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**MINUTES  
TUESDAY – APRIL 6, 2004**

Call to Order

The Board of Environmental Review's teleconference meeting was called to order by Chairman Russell at 3:07 p.m., on April 6, 2004, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present (via telephone): Chairman Joseph Russell, David Fishbaugh, Kim Lacey, and Susan Brooke

Board Members Absent: Russ Hudson, Dr. Garon Smith and Ward Shanahan

Board Attorney Present: Tom Bowe, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Court Reporter Present: Laurie Crutcher

Department Personnel Present: Jan Sensibaugh, Director; Tom Livers, Deputy Director; Jim Madden, Legal Counsel; Ed Hayes, Legal Counsel, Steve Welch, Administrator, Permitting and Compliance Division (PCD); Neil Harrington, Chief, Industrial and Energy Minerals Bureau, PCD

Interested Persons Present: Don Allen, Western Environmental Trade Association; Jim Mockler, Montana Coal Council

I. Action Agenda Items

A. Continuation of March 26, 2004 Agenda Item III.B.1

1. In the matter of the amendment, adoption and repeal of rules in Title 17, chapter 24, subchapters 3 through 13, pertaining to the Strip and Underground Mine Reclamation Act.

Mr. Livers explained that the notice the Board acted on at its March 26, 2004 meeting noted Helena as the location of the hearing. He said the stakeholders on all sides of the issue had a preference for Billings because it is close to the location of the activity. He said the Department agreed that it would be in the best interest of the interested parties and the rules for the hearing to be held in Billings.

Chairman Russell opened the floor for public comment. There was no response.

Ms. Brooke MOVED to amend the notice to have the hearing in Billings instead of Helena. Ms. Lacey SECONDED the motion. The motion CARRIED with a unanimous VOTE.

II. General Public Comment

The floor was opened for public comment. There were no comments.

III. Adjournment

Ms. Brooke MOVED to adjourn. Ms. Lacey SECONDED the motion. The motion CARRIED with a unanimous VOTE. The meeting adjourned at 3:14 p.m.

Board of Environmental Review April 6, 2004, Teleconference Minutes Approved:

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JOSEPH W. RUSSELL, M.P.H.  
CHAIRMAN  
BOARD OF ENVIRONMENTAL REVIEW

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DATE